

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Plaintiff filed an Amended Complaint on October 30, 2009 (doc. no. 53). No objections have been filed. This Court's review of the Report and Recommendation is *de novo*.

Upon independent review of the Record, and upon consideration of the Report and Recommendation, and the Amended Complaint, the following order is entered:

AND NOW, this 4th day of January, 2010;

IT IS HEREBY ORDERED that Defendants' Motion for Judgment on the Pleadings (doc. no. 37) is GRANTED with respect to the Equal Protection claim against Defendant Vincent; it is DENIED with respect to the Eighth Amendment claim.

IT IS FURTHER ORDERED that Defendants' Motion for Judgment on the Pleadings is DENIED with respect to all claims against Defendant Cardenza.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 52) of Magistrate Judge Lenihan, dated October 22, 2009, is adopted as the Opinion of the Court.



Kim R. Gibson
United States District Judge

cc: Cornell L. Warren
FH-4385
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